JASON I. SER
California State Bar No. 201816
FEDERAL DEFENDERS OF SAN DIEGO, INC.
225 Broadway, Suite 900
San Diego, California 92101-5008
Telephone: (619) 234-8467
jason_ser@fd.org

Attorneys for Mr. Santillanes-Lopez

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(HONORABLE THOMAS J. WHELAN)

UNITED STATES OF AMERICA, Plaintiff, v. TOMAS SANTILLANES-LOPEZ, Defendant.	Case No.: 07cr3108-W Date: January 7, 2008 Time: 2:00 p.m. **NOTICE OF MOTIONS AND MOTIONS TO:** **(1) DISMISS INDICTMENT DUE TO THE UNCONSTITUTIONALITY OF THE CHARGING STATUTES;** **(2) DISMISS THE INDICTMENT DUE TO MISINSTRUCTION OF THE GRAND JURY;** **(3) PRESERVE AND INSPECT EVIDENCE;** **(4) COMPEL DISCOVERY; AND,** **(5) GRANT LEAVE TO FILE FURTHER MOTIONS**

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND
WILLIAM A. HALL, JR., ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that on January 7, 2008, at 2:00 p.m., or as soon thereafter as counsel may be heard, the accused, Tomas Santillanes-Lopez, by and through his attorneys, Jason I. Ser and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the motions outlined below.

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MOTIONS

Defendant, Mr. Santillanes-Lopez, by and through his attorneys, Jason I. Ser and Federal Defenders of San Diego, Inc., pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an order to:

(1) Dismiss the Indictment Due to the Unconstitutionality of the Charging Statutes;
(2) Dismiss the Indictment Due to Misinstruction of the Grand Jury;
(3) Preserve and Inspect Evidence;
(4) Compel Discovery; and,
(5) Grant Leave to File Further Motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and any and all other materials that may come to this Court's attention at or before the time of the hearing on these motions.

Respectfully submitted,

DATED: December 27, 2007

/s/ Jason I. Ser

JASON I. SER
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Santillanes-Lopez
E-mail: jason_ser@fd.org